WHEELING, WEST VA., TUESDAY MORNING, FEBRUARY 6, 1877.

VOLUME XXV---NUMBER 140.

The Intelligencer.

Passage of the House Capital Bill. As will be seen by our Legislative proceedings, the House of Delegates yesterterday passed the bill providing for a permanent location of the Capital by a ote of 40 to 16

The bill provides that an election shall be held throughout the State next August, on the day on which School Commissioners are to be voted for, to choose between Martinsburg, Clarksburg and Charleston as competitive points for the permanent west. Votes for any other points or points are not to be counted, and no one car vote for more than one of the points

If any one of these places shall receive a majority of the votes polled throughout the State, the fact shall be proclaimed by the Governor, and said place shall be come the permanent seat of government after the first day of December, 1885.

If no one of these points shall receive uch majority, then a new election is to be held at the next general election throughout the State, say in August, 1878, and choice is at that time to be made be The one receiving the majority vote

at this general election is to be duly proclaimed the permanent seat of govesn at the first election

Wheeling is to remain as the tempo rary seat of government until 1st Decem

the Board of Public Works are directed to go on and make contracts, either fo the erection of a Capitol building or the proper alteration and repair of some ollding alredy existing at the place

They are to have power to receive do nations in money or real estate for the they accept these donations the transactions tion is to be regarded as a contract b which the State is to become bound, and which can only be annulled in one of three ways: (1) by a specific act of the Legislature changing the location, which t is to be submitted to the people and by them ratified; (2) or by the enactmen of a Constitutional Convention; (3) or by an amendment to the Constitution a therein provided.

Although the bill, in its presen hape, is generally considered as almost ure to result in the choice of Clarksburg as the permanent seat, yet it was very as if they could not expect it to pass the enate, and as if their present support might be a sort of hazardous stroke of policy, intended to lay the Clarksburg interest under a load heavy obligations when the final crisis comes.

uestion as to the drift of opinion in reand to the probability that under the bill Clarksburg is almost certain to be selec-This district will vote for her almost solid, and so will many counties is the Second district. As showing how the vote is likely to be cast next August is case the bill becomes a law, we subjoin the vote of each county as it stood at the Cubernatorial election last fall. It will afford the public some data on which to have their calculations in regard to the result next August :

COUNT	IES.	Vote fo	Vote for Chariesto	Vote (er
Sarbour	***************************************	1979		
herkeley		111111	*****	*****
Hoone			401000	21103
Heaston		439	993	441444
Rrooke	***********	1101	1000	*****
Calhoun		2.0	2160	*****
Clay			(53)	
Doddridge	,	1593	467	
I syette	Down become	******		******
ilmer		500	1265	****
Grant	********	******	511	011111
tireenbrier	*******	******	******	1033
Hampshire	****** ****** ***	582	2436	1531
Hancock tiardy	*** ***********************************	802	******	1001
Harrison	**********	2664	******	1147
Jackson		111111	2.30	
Jefferson		******	*****	Access
hattawhn	*******	******	48.3	2752
Lewis		1963	10000	******
Lincoln		******	13.0	******
Legan	************	9000	1064	******
Marion	*************	3288	241900	201111
Marshall Mason,	*** **********		2705	annua.
Metror	300 12 3 3 5 5 M (m)	******	1101	******
Mineral,		744		759
Monongalia.		2614		******
Menroe		more	2106	******
Morgatt		*****	Cancer	973
McDawell		*****	942	******
Sicholas		******	1079	******
Pen Heton	* **********	7081	1125	210
Pleasants		833	14415	210
Pecahontas		4444	600	100104
Freston		2961		
Patnam			1627	
Kaleigh	*** ***********************************		1011	
Randolph		1521		*****
Koane	************	2049	101111	411175
		100000	1573	111111
	* ************	2004	1362	*****
		474	*****	111111
Tyler	********	1531		
Upshur		1658	11111	
Wayne		*****	2427	
Webster		******	459	******
Weizel		1916	177557	
Word		4611	*****	******
Wanning		4011	373	
			-	*****
Total		51916	37236	11829

Total for Charleston and Martinsburg. Majority for Clarkshups over both

of the counties other than for the place for which they are entered, but the pre numption is that the changes will be

if we had got hold of an expurgated edition of it. Else why do we read on page 112, in the index, the following reference to reading matter that should appear, but dees not appear, in the report. These references are as follows : 1. The special committee of seven, wh

- ended impeachment. The record of the committeemen.
- Personal reference to J. H. Good, aber of the committee.
- 1. He advocates assassination Demands money from a Wheeling
- city official. 6. Receives money from the same.

oice extracts from the journal of; it holds a secret session; the plan there adopted for voting on articles of impeachment; the words "according to the law and the evidence" stricken out ; the vote oath of members of the Court; another incident and extract from the journal; respondents counsel moves to reject testiony; the vote thereon of Caldwell and Camden; their subsequent vote on third article; the press and the lobby on imoffice; amusing incidents during the trial

It seems that all the interesting matter to which this minute reference is thus nade by the Auditor has been left out of his report. In Rome they have an ex to ree that no error creeps into the literature of the church, and thus the faith that there must be some committee of Capitol building. Else why is the pub lie deprived of the spicy reading matter, prepared for them by the industriou Auditor at great pains to himself and ousiderable expense to the public?

Report of the Bureau of Educa-

The report of the National Bureau of ountry 255 colleges and universities. 386 instructors in the collegiate departnent, who teach 26,353 students. Among dies pursuing collegiate studies. The and eight pupils to each teacher. In the backward and the old slave States form : 59 of whom can neither read nor write In a colored population of 452,123 there are 384,027 ignorant of both writing and ulation of 857,039, 534,787 of whom car large State is so low down in the scale of interest. Their action in the matter is almost a mystery. It would really seem as if they could not expect it to pass the unable to read or write. Many of them are undoubtedly children, but of 302,600 youth of schoolable age only 66,600 are to be found in the schools and colleges of the State. Of this 66,600 a large majority are white, while the colored youth are, with a few rare exceptions, growing up

The report shows education to be in lourishing condition throughout the North, but greatly in need of attention n the South. The education of the colored people of the South is of paramoun but it is a danger. The ballot in the write is a subject worthy of serious consideration, for it forms an obstacle in the way of progress which should be removed. The colored people have made wonderful progress during the last eleven years, Wherever educational facilities have been afforded they have not failed to use them. They evince a disposition to learn, and if a a corresponding dispo sition were felt on the part of the white to teach them, their ignorance would

Who would not be a director in the West Virginia Penitentiary? According our representative men, and there is no immediate prospect of a change for the of Delegates the following sums were paid out for per diem and mileage to the

jary 5, 1875, to November 10, 1876,

sumption is that the changes will be about equal for each place, and the sgreegate result about as stated.

A Queer Document.

We have on our table a copy of the Auditors report for the fiscal years of 1875 and 1876. It would almost seem as was presented in the last Democratic State for the first place of the first

7. Geo. A. Blakemore, a member of the committee, remarkable change of his opinion; what he said privately to distinguished persons; what he did subsequently; what was said of him.

8. Harrison county member (Dorsey Cartile) of the Committee; his mileage and per diem.

9. Chapman, J. Stewart, a member of the Committee; his indictment for attempted bribery; indictment quashed for informality.

10. The High Court of impeachment; whose extracts from the journal of; it produces extracts from the journal of; it produces and using their inninence in the committee; his indictment; and the committee; his indictment of an attempted bribery; indictment quashed for informality.

2. The High Court of impeachment; who have a measure for submitting the matter to a decision by the people at the polls. It was necessary to defer the Senatorial election, and thus command a support which the merits of the measure might not control. This was the substantial agreement of the Kanawha Delegates and Senators at that tempted bribery; indictment quashed for informality.

10. The High Court of impeachment; who have a measure for submitting the matter to a decision by the people at the polls. It was necessary to decision by the people at the polls. It was necessary to decision by the people at the polls. It was necessary to decision by the people at the polls. It was necessary to decision by the people at the polls. It was necessary to decision by the people at the polls. It was necessary to decision by the people at the polls. It was necessary to decision by the people at the polls. It was necessary to decision the matter to a decision by the people at the polls. It was necessary to decision by the people at the polls. It was necessary to decision the matter to a decision by the people at the polls. It was necessary to decision and that the matter to a decision by the people at the polls. It was necessary to decision and the polls. It was necessary to decision by the people at the polls. It was necessary to decision and the polls. It was

ception of Messrs. Baxter, Burdett and Wilson, were found casting their votes and using their influence in a manner that tended to strengthen candidates already formidable, and to that extent at least, to hasten the elections which all seemed interested in postpon-ing. As a natural result two surfaces. which all seemed interested in postponing. As a natural result, two gentlemen were brought within such easy range of election, that the influence of Wheeling and the Republican votes carried them through. So far as the postponement of the Senatorial elections could favorably affect the Capital bill, that influence was lost by what, from a Kanawha standpoint, appears to have been a premature choice. We are not prepared to say that had these elections been deferred until the end of the session, a different result would have been had, but it is clear that all those members whose attachment to favorite candidates might have led them to court the Kanawha vote, have been

The introduction and protracted dis-cussion of Constitutional amendments has delayed action in the House on the apital question until more than half te session has expired. At our last ad-ces the Capital bill had not passed its islature where it originated. Its con-sideration by that body will occupy much of the remaining time of the session, and there seems no likelihood that even if it

there seems no likelihood that even if it could pass the House in an acceptable shape (which is extremely doubtful) it would ever see daylight in the Senate.

These facts, and others which it is unnecessary to dwell upon here, have produced during the past week, a marked revolution in public sentiment in this county. A large unajority of our people have reached the deliberate conviction that the removal of the Capital, so far as it could be of benefit to Charleston, is a dead issue in this Legislature, and probably several others to follow. They feel that they have done all that can be done in the way of righting what they question as they view it; that our best talent is powerless to bring them redress, and that the continued agitation of the subject, while it might end in removal from Wheeling, would not in the imme-diate future result in the re-location at Charleston. They see that the Third District is growing tired of the squabble, and that without hearty unity here

Such being the growing sentiment in our midst, we have no hesitation in ex-pressing our own opinion, that the best interests of our people require them to cease hostilities on the Capital question, cease hostilities on the Capital expressed through their representatives. a political way, the county is already actically ostracised, whether through practically ostracised, whether through the intentional or unintentional acts of our representative men, and there is no immediate prospect of a change for the better. When the returns of the county canvassa-ers to the State canvassers, or in the action of the State can-vassers in the final computation

better. paid out for per diem and mileage to the present hoard from February 1875 to November 1876— say in a year and 8 months.

To James O. Watson, of Fairmont, February 10, 1875, to November 10,1876, \$555 90.

To James K. Smith, of Fetterman, James To James K. Smith, of Fetterman, James To James K. Smith, of Fetterman, James Fetterman, James To James K. Smith, of Fetterman, James To James To James K. Smith, of Fetterman, James To Jame prepared to urge the postponement of the agitation until an unprejudiced public opinion shall declare that the time has S714-04.
To same, as Treasner, for disbursing \$6,352-25, \$31-76.
To Thomas G. Smith, of Parkersburg, February 10, 1875, to November 10, 1876, \$1,099-35.
Mr. Smith went on a trip to the Illinois penitentiary at Joliet, which accounts for his extra allowance.
To Edward Schon, of Point Pleasant, February 10, 1875 to November 10, 1876, \$735-40.
To James W. McCarriher, of Moundaville, resident director, for per diem and other services, \$180-20.
Total amount naid out to the Board.
To Lot a mount naid out to the Board.

Argument of Mr. Evarts.

Washington, D. C., February 5.—The announcement that William M. Evarts and Charles O'Conor woulds make their arguments to-day before the Electoral Commission seemed to impel everybody in Washington toward the Capitol, and long before the opening time a surging mass besieged the doors of the commission chamber seeking admission.

Judge Clifford, soon after 11 o'clock, called the commission to order. The journal being read. Mr. Evarts began bits of the commission to order. called the commission to order. The in addition to the certificates, of the cournal being read, Mr. Evarts began his nature of that which is offered; that is

mission: The order of the commission is directing the attention of counsel, lay out for their consideration three topics: 1. Whether, under the powers posses y the commission, any evidence can eccived beyond that disclosed by

transmission to the corrective canvass in the county of the precincts thus can-

of the aggregates to ascertain a plurali didates, and so declare and so make cord and so fix the basis of the Govern distates, and so usecure and so may be considered and so fixed basis of the Governor. Whether that act was right or wrong on their part, fraudulent or an error in the law, or in fact that somewhere in the process of the election itself, from stage to stage on every matter of right and question of rightful title or title de jurg, there has occurred matters for judicial consideration. I need not say that however simple and however limited the step to be taken beyond the record of a State canvass to serve the needs and to accomplish the justice as proposed by the learned counsel for objections against Haye's certificates, the principle upon which it is collected, if the declaration required it, offered, if the declaration required it, offered it is the duty of the flower of the results and the reduction of the required it.

right between them and the Hayes electors is or is not according to law and truth. We have the Governor's certificate and he is the yery man that passed for the State on that question, which furphishes the right to used and act; that this is the list of men that were appointed. These certificates under the State law form no part of the return to the Presidency, and not a mortal man can doubt about the count, but the world may count dent of the Senate, but whom the same duty under the same evidence; we have the certificates without the production of the antecedent one; now what from the moment their vote is sent offered, it the decimation represents of and to vote for whom they please, and his Commission tolerated it, would carry from the moment their vote is sent to whatever point this correction or to whom they please, and to vote for whom they please, and the correction or the please of the correction or the

M. Scalin west on stripts the fillions are contained by the risk in the composition which can an absorption by the contained presidentity at Julie, which accounts for five treatment of the contained presidentity at Julie, which accounts for five treatment to the stript of the stript of president to the stript of president to the stript of the stript of the stript of president to the stript of president to the stript of the str y that subject the Senate is called upon in d like manner to recognize the fact of an telection to allow it, admit and accept it as o a fact or to deny it, and to say that it is t, not so, and then itself to proceed to elect in a Vice President. I attach no import-d ance to the word count, but I attach im-

of Congress on the subject, and our proposition is that at that stage of the transaction of the election, Congress, the two houses and President of the Senate cannot entertain that subject of proof, that the process must go on of the constitution, and if a disqualified elector has passed the observation of the voters in the State, passed the observation of any sentinel or guards that may have been provided in law, for excluding from actual election or for the annuling of an apparent right. If this disqualified on the subject of this character and particular transaction or for the annuling of an apparent election or for the annuling of an apparent when these are all over and past and the vote is tank on the followed in law, for excluding from actual election or for the annuling of an apparent when these are all over and past and the vote is tank on the followed in law, for excluding from actual election or for the annuling of an apparent when these are all over and past and the vote is tank on the followed in law, for excluding from actual election or for the annuling of an apparent with the subject of the constitution, which is the certificate of the constitution, which is the certificate of the constitution, which is the certificate of the electors themselves, and on the act Congres, it must stand unchallengeable and unimpeachable there.

This tribunal can not receive evidence, in addition to the certificates, of the annuling of the constitution to the certificates, of the annuling of the constitution to the certificates, of the annuling of the constitution to the certificates, of the annuling of the constitution to the certificates, of the constitution to the certificates of the constitution to the certificates, of the constitution to the certificates of the constitut This tribunal can not receive evidence, in addition to the certificates, of the nature of that which is offered; that is, evidence that goes beyond the State's record of its election, which has been certified by the Governor as resulting in the appointment of these electors. This tribunal proposes to inquire, as infer certified by the Governor as resulting in the appointment of these electors. This tribunal proposes to inquire, as infer is an appointment of these electors. This tribunal proposes to inquire, as infer is an appointment of these electors. This tribunal proposes to inquire, as infer is an appointment of these electors. This tribunal proposes to inquire, as infer is tribunal proposes to inquire, as infer is the titled electors, that his tribunal proposes to inquire, as infer is the two competitors was really elected on an honest and searching investigation. It is undertakes an office that is judicial, and powers for its exercise are attempted to be invoked in favor of those who support that view by necessity of the exercise of an imputed power requiring adequate means. What are adequate means? A dequate means for that investigation in that nature of right and inquiry are proposition that they are in office de facto, without right, but only the color of its is in our view stated as fully as that nature of right and inquiry are proposition that they are in office de facto, which application is the analysis of the commission can exercise, we say as the learned commission can exercise the same power of the lower of the sate of the two certified by the Cornell limit of barrier to it, but that you excresse the same power of the two exercise the same lower of the certified by the Cornell limit of the chief of the two commission o powers for its exercise are attempted to be invoked in favor of those who support that view by necessity of the exercise of an imputed power requiring adequate means. What are adequate means? Adequate means for that investigation in that nature of right and inquiry are plenary. There are no means judicial that are adequate for that inquiry that are adequate for that inquiry that are adequate for that inquiry that are not plenary, and no plenary judicial powers can be communicated under our Constitution by Congress, to say nothing of minor powers that are judicial in their nature except to tribunals that are court tribunals that are inferior to the Supreme Court, that are filled by Judges appointed by the President and confirmed by the Senate. Will any lawyer, expert or inexpert, mention a topic or method of judicature, of jurisprudence that involves the possession of larger means of reach and more complete control of powers are and more complete control of powers are not plently that the control of powers can be communicated under our constitution by Congress, to say nothing of minor powers that are judicial in the interests of the second central that are inferior to the suppose of the control of powers can always the second central that they acted on this color and did action to the purpose of the determination of the present with the provides the possession of the purpose of the fact that they acted on this color and did action to the purpose of the exercise of that discretionary appropriate to the provides the possession of the purpose of the color of the purpose of the provides and to the performance of that duty, the fact that they acted on this color and did action to the purpose of the exercise of the determination of the purpose of the color of the purpose of the color of the purpose of the provides and to the performance of that duty, the fact that they acted on this color and did action to t ers and methods than the trial of a quo warranto for an office—that is to served an election. But not only is it beyond the powers of this not only is it beyond the powers of this law to this Commission, it be powers of this law to this Commission, it he powers of this law to this Commission, it he powers of a court of dispensary is reach and efficacy, but on the lap of a quo warranto to try the title of an office. He would find a subject in regard to which the Constitution find interposed an insurmountable barrier to consideration of common law. It involves as a matter of common law. It involves as a matter of which cond possibly exist under the law would think that the complete fight the introduction of a jury into its which could possibly exist under the law as fixed in the Constitution and in the preexisting statutes for the purpose of your determination, and this brings us to they created, the d constitute the Government which they created, that injustice, however flagrant, might be done it open day without the possibility of shaving any remedy or even uttering detections of the corously a complaint. This, we humbly shaving any remedy or even tetring detections of the law of reason forbids it. All acts however solemn, however sacred, from whatever quarter coming and by whatever quarter coming and by whatever pushed in some manner, in some judicial or tother tribunal, so that fraud and false hood may shrink abashed and defeated hood may shrink abashed and defeated in the right. It seems to be virtually conticeded here that the Governor's certificate is not conclusive. I have not time to say ion deserving the name of

mstitution. It is only required b absolutely conclusive and binding of the authorities of the United State vestigate this matter, and to that given by Lord Ellenborough case of the King vs. Bedford. he is one who has the reputation of be the officer he seems to be and yet he is not a good officer in his point of law. Now what is the proposition here con-tended for, that these officers, having acted under the color of right and hav-I tended for, that these officers, having acted under the color of right and Inviling completely exercised and perfected the function with which the appear, and are said to be charged and with which if a they were duly elected, they were charged in with, any subsequent attempt to set it aside would be contrary to convenience and mischeivous to society. Are the bank notes of a bank, not having the authority to issue them, although signed, and perfect and finished and put in the hands of an agent valid and effectual under this principle until some person has confided in them and has received them and been thus misled by the appearance of right with which a stank had improperly clothed itself. Now we maintain that neither the public good nor the protection of men from deception nor any rule of convenience or policy requires allowance of pretended electors whose title on investigation by competent authority before the votes had been never timed.

ly devolves on that body or function, which is the obliged act of that which is

produced as the result by the Now unquestionably the first ar mary duty of each of the Hou-there is a plain count showing the

and except only that they could obtain the Governor's certificate and pretty much conceded, I think, the

ecording to the customs and u

and has on its files, and will consent send in here and has sent in here, already evidence in the case, so far as

CONGRESS.

HOUSE.

Washington, February 5. The recess was prolonged until 11:50 M., when Mr. Banning presented a pe-M., when Mr. Banning presented a pe-ition of 28 banking institutions of Cininnati, for the repeal of the law tax

banks.

Mr. Cox offered the following:

Resolved, That the rules of the House
be so amended; that during the count of
the Electoral votes, and when the House
is not required to be engaged theren, it
shall, on assembling every calendar day
after recess from the dayl-proceeding, proceed after 12 o'clock meridian with its
basinese.

It is thought that the legislative day It is thought that one can and expired by adjournment. At 150 p. M., the House took a reces till to-morrow. SENATE.

At 10 o'clock the recess was continued

SENATOR WEST AND GOV. WELLS.

In the Senate to-day Senator West nade a personal explanation in relation to the letter of Gov. Wells, addressed to im and read before the House Committee on the Powers, Privileges and Du of the House on Saturday. He said aviled himself of this opportunity

he intend to hold a clandestine cor-condence with any one in regard to counting of the electoral votes. About time that the letter should have been livered to him he was informed by the cretary of War that a man named Madx was here attempting to trade off the te of Louisiana. He (West) denied he vote of Louisians. He (West) denied he had any such authority, and telegraphed to New Orleans to a friend in substance as follows: "Tell Gov. Wells that a man by the name of Maddox is here profess-ing to be authorized to speak for him and the Returning Board of Louisiana. What does this mean?" The answer came back as soon as the wire could bring it: "Mr. Maddox has no such au-

hority."

Mr. West in answer to a question of Mr. West in answer to a question of Mr. Boggy, as to what explanation he could make of the letter, said that he (West) was ambitions to be his own successor in the Senate and the letter referred to that. As to speaking of a million, (lov. Wells used the expression in the same manner as Col. Sellers did; he meant there was a barrel of money there to be used against the Republicans, and aid was needed; that if money was to be spent on one side it must be spent on the other. He (West) would not rest a moment under any suspicion that he was trafficing in electoral votes.